

UNITED STATES DISTRICT COURT  
FOR THE  
SOUTHERN DISTRICT OF NEW YORK

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HICHAM AZKOUR,

*Plaintiff,*

v.

Civil Action No. 10-CV-4132 (RJS)(KNF)

LITTLE REST TWELVE, INC.

*Defendants.*

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PLAINTIFF'S MOTION IN LIMINE TO SANCTION DEFENDANT AND PLAINTIFF'S  
REQUEST FOR PROTECTIVE ORDER

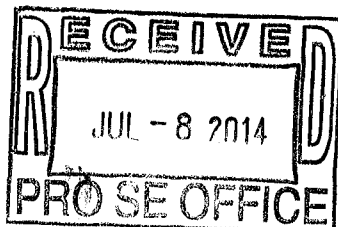
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On July 7, 2014, without this Court's authorization, Defendant disclosed Plaintiff's protected information by maliciously filing a copy of the Order issued by the Honorable Kevin N. Fox, U.S.M.J. *See* Docket Entry No. 236 and 237; *see* Exhibit at Docket Entry No. 237.

The Court may note that Defendant, prior to this very act of malicious disclosure, engaged in another inappropriate behavior by submitting inappropriate *voir dire* questions to the jurors. *See* Question No. 11<sup>1</sup> at Docket Entry No. 228.

The Honorable Fox issued said Sealed Order on August 23, 2012 in the related matter *Azkour v. Haouzi, et al.*, 11-CV-5780 (RJS)(KNF) ("Civil Rights Action"). This Order was filed under seal because it explicitly refers to medical records furnished to the Honorable Fox in reference to and to support Plaintiff's motion for the appointment of a guardian ad litem. *See* Civil Rights Action Docket Entry No. 86.

Defendant's malicious act is a blatant violation of this Court Order, Docket Entry No. 223, denying Defendant its request to unseal any document sealed by this Court and further engage in discovery. In its Order at Docket Entry No. 235, the Court did not authorize Defendant to disclose to the public a document which was sealed by a court of law.

Moreover, Defendant's inappropriate act is evidence of Plaintiff's contentions in his response to this Court Order to Show Cause. *See* Docket Entries Nos. 221 and 224.

Defendant's act is certainly in violation with Rule 26(b)(5) of the Federal Rules of Civil Procedure, pertinent to privileged material or material protected from disclosure by court order. It is evident that the sole purpose for inappropriately filing the Honorable Fox's Sealed Order is

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<sup>1</sup> Defendant inappropriately and irrelevantly asks the jurors the following question: How do you feel about people who lie? This type of provocative language and insults should not be tolerated by the Court.

to annoy, embarrass, oppress, harass, intimidate, injure, distract, provoke, and further insult Plaintiff. Defendant's inappropriate, malicious disclosure is yet another act to derail this litigation for want of evidence. Therefore, this Court should issue a Protective Order as per Rule 26(c).

Because Defendant willfully and maliciously violated this Court's Orders protecting Plaintiff's privileged information, imposing sanctions is appropriate in this case. In accordance with Rule 37(a)(5) of the Federal Rules of Civil Procedure, this Court may impose monetary sanctions.

**WHEREFORE**, for the reasons set forth above, Plaintiff respectfully requests that this Court impose the following sanctions:

1. \$10,000.00 for maliciously disclosing information which is protected and sealed by Court Order;
2. Relieve Plaintiff from the \$2,000.00 sanction unfairly imposed upon him by this Court on May 30, 2014;
3. Strike the document maliciously filed by Defendant from the docket, which is the exhibit attached at Docket Entry No. 237;
4. Issue a protective order against any further malicious disclosure by Defendant;
5. Deny Defendant's request to present the mental disability issue to the jurors and further engage in any trial proceedings in the instant matter; and
6. Rule on Plaintiff's claims as a matter of law pursuant to Rule 50 of the Federal Rules of Civil Procedure; or

7. As a more appropriate sanction in this protracted litigation, enter default judgment as per Rule 37 of the Federal Rules of Civil Procedure.

Respectfully submitted on July 8, 2014

By: HICHAM AZKOUR, pro se

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A handwritten signature in black ink, appearing to be 'Hicham Azkour', written over a horizontal line.